

Anniston, Alabama

March 6, 2018

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Tuesday, March 6, 2018, at approximately 5:30 o'clock p.m.

Chris Collins, Fire Chief, prayed the Invocation.

Chris Collins, Fire Chief, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris and Draper; absent: none. A quorum was present and the meeting opened for the transaction of business.

Cory Salley, Interim City Manager, was present.

Jason Odom, Deputy City Attorney, was present.

Council Member Reddick made a motion to waive the reading of the minutes of February 20, 2018. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the minutes of February 20, 2018. The motion was seconded by Council Member Reddick; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Harris made a motion to waive the reading of the minutes of February 23, 2018. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Reddick made a motion to approve the minutes of February 23, 2018. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Jenkins made a motion to approve the Agenda with the following additions: remove items A, B, C from the consent agenda and take those as standalone Resolutions; add a motion to authorize the City Manager to negotiate and execute a contract with Clay Gresham, Sr., for video production; change date of the Motion to waive the rental fee for use of the City Meeting Center for the legacy club to March 19, 2018; The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Glen Ray, 3514 Dale Hallow Road, concerned about the prosecutors in the city court. Hope we do not look at things as black and white but as wrong and right.

Council Member Reddick made a motion to approve the Consent Agenda:

- (a) Resolution authorizing the Mayor to enter into an Agreement with ALDOT for the maintenance of traffic control signals at the U.S. 431 and Intersection of Choccolocco Road/Coleman Road in the City of Anniston, Alabama. (*Resolution 18-R-14*)
- (b) Resolution to request an Advisory Opinion from the Office of the Attorney General regarding the appointment of the Municipal Court Prosecutor, Public Defender, and Alternate Prosecutors and Defenders. (*Resolution 18-R-15*)
- (c) Motion to waive the rental fee for use of the City Meeting Center for The Legacy Club on May 19, 2018.
- (d) Motion to waive the rental fee for use of the City Meeting Center for the Calhoun County Chamber of Commerce School Board Forum on April 26, 2018.

The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Council Member Little made a motion to read by title only, Ordinance 18-O-2. The motion was seconded by Council Member Jenkins; Mayor Draper called for a public hearing on the introduction reading of Ordinance 18-O-2: An Ordinance enacting chapter 4, Article VI of the Code of Ordinances of the City of Anniston by title only; the public hearing opened; no one spoke; the public hearing was closed. And on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried.

Cory Salley, Interim City Manager, introduced and read Ordinance Number 18-O-2:

ORDINANCE NUMBER 18-O -2

AN ORDINANCE ENACTING CHAPTER 4, ARTICLE VI OF THE CODE OF ORDINANCES OF THE CITY OF ANNISTON

WHEREAS, the Alabama Legislature passed and enacted Act 2017-320 during the 2017 Regular Session, approved by the Governor on May 18, 2017, which became effective on the first day of the third month following its passage and approval by the Governor;

WHEREAS, pursuant to Act 2017-320, the City of Anniston, as a Class 5 municipality, is authorized to establish civil penalties for violations of local animal control laws;

WHEREAS, Act 2017-320 also authorizes the City of Anniston to establish the position of certified animal control officer under the supervision of the Chief of Police, and the City may empower said officers to issue civil citations for violations of local animal control laws;

WHEREAS, by Act 2017-320, the Municipal Court for the City of Anniston is authorized to hear any appeals, impose and enforce civil penalties issued by the City's certified animal control officers;

WHEREAS, the City Council for the City of Anniston finds and determines that the best interests of the City and its citizens will be served by implementing the authorities granted by Act 2017-320, as empowering certified animal control officers to issue civil citations will provide an effective means to promote compliance with the City's animal control laws and will preserve the City's limited police resources for other law enforcement concerns;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Anniston, Alabama as follows:

Section 1. The City Council of the City of Anniston, Alabama hereby adopts and enacts Chapter 4, Article VI – Certified Animal Control Officers; Civil Violations, Penalties and Enforcement, Sections 4.93 through 4.94 of “The Code of the City of Anniston, Alabama, 1981,” which shall read in its entirety as follows:

ARTICLE VI – Certified Animal Control Officers; Civil Violations, Penalties and Enforcement Sec. 4.93 – Certified Animal Control Officers.

(a)Position Created. There is hereby created the position of Certified Animal Control Officer within the City of Anniston Police Department and subject to the supervision and control of the Chief of Police, subject to any applicable rules and regulations of the Civil Service Board for the City of Anniston, Alabama.

(b)Certification; Minimum Standards. The Chief of Police shall establish minimum qualifications and standards for training and experience that an individual must meet to obtain certification as a Certified Animal Control Officer. The Chief of Police shall also be responsible for certifying and revoking the certification of those persons appointed to serve in the position of Certified Animal Control Officer. The Chief of Police may also certify sworn peace officers that meet the minimum qualifications and standards for training and experience so as to authorize such officers to exercise the duties and authorities of a Certified Animal Control Officer. No person may exercise the power of a Certified Animal Control Officer to issue civil citations, as set forth in this Section, unless he or she is properly certified for the position.

(c)Power to Issue Citations; Process. Persons employed within the City of Anniston Police Department and properly certified by the Chief of Police are hereby authorized to issue civil citations to individuals who commit violations of the provisions of this Chapter governing the treatment, care, well-being and safety of animals. The Certified Animal Control Officer may issue civil citations by either certified mail or personal service. The citation shall specifically identify the provision of this Chapter that the individual has violated and shall issue a civil penalty in accordance with the Schedule of Civil Penalties set forth in this Article. The citation shall further inform the individual of his or her right to appeal the civil penalty to the Municipal Court.

Section 4.94 - Civil Violations, Penalties and Enforcement.

(a)Civil Violations. In addition to any other remedies or actions available by law, a person who violates the provisions of this Chapter governing the treatment, care, well-being or safety of an animal, as further identified in Schedule of Civil Penalties set forth in this Section, commits a civil violation and is subject to civil penalty for the violation.

(b)Schedule of Civil Penalties. A person who commits a civil violation within the corporate limits shall be subject to the civil penalty identified in the Schedule of Civil Penalties set forth herein.

Schedule of Civil Penalties

Violation	1st Penalty	2nd Penalty	3rd Penalty
Sec. 4.31 - Failure to obtain City license	\$25.00	\$50.00	\$100.00
Sec. 4.65 - Failure to attach license tag or decal to animal		\$15.00	\$25.00 \$50.00

Sec. 4.5 – Failure to clean up droppings	\$25.00	\$50.00	\$100.00
Sec. 4.37 - Failure to confine female dog or cat in heat	\$25.00	\$50.00	\$200.00
Sec. 4.51 - Harboring vicious or dangerous animal	\$25.00	\$50.00	\$100.00
Sec. 4.33 - Maintaining a nuisance	\$25.00	\$50.00	\$100.00
Sec. 4.61 - Failure to obtain rabies vaccination	\$25.00	\$50.00	\$100.00
Sec. 4.36 - Allowing animal to be at large	\$25.00	\$50.00	\$100.00
Sec. 4.47 - Allowing animal known or presumed to be vicious at large	\$100.00	\$200.00	\$500.00
Sec. 4.43 - Breeding without a business license	\$200.00	\$300.00	\$500.00
Sec. 4.14 - Fighting animals	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.15 - Stealing pets	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.13 – Animal poisoning	\$1,000.00	\$1,000.00	\$1,000.00
Sec. 4.36 - Failure to restrain	\$25.00	\$50.00	\$100.00
Sec. 4.10(1) and (5) - Cruelty to animals – Override, torture, mutilation	\$500.00	\$1,000.00	\$1,000.00
Sec. 4.10(2) - Cruelty to animals – Failure to provide adequate food, shelter, water or shade	\$100.00	\$200.00	\$300.00
Sec. 4.10(3) - Cruelty to animals – Failure to provide medical care	\$100.00	\$200.00	\$300.00
Sec. 4.10(4) – Cruelty to animals - Failure to provide sanitary premises	\$100.00	\$200.00	\$300.00
Sec. 4.10(6) and (7) – Cruelty to animals – Improper restraint, tethering puppies	\$50.00	\$100.00	\$200.00
Sec. 4.10(8) and (9) – Cruelty to animals – Abandonment, leaving in hot vehicle	\$100.00	\$200.00	\$300.00
Sec. 4.10(10) – Cruelty to animals – Failure to transport properly	\$50.00	\$100.00	\$200.00

(c) Enforcement. The Municipal Court for the City of Anniston shall have the jurisdiction to hear any appeal and impose and enforce civil penalties issued under the authority granted by this Article. Upon an appeal, the Municipal Judge shall have the power to impose the civil penalties set forth in the above Schedule of Civil Penalties upon finding that the person subject to the court's jurisdiction committed the violation for which he or she was cited. The Municipal Judge shall also have the power to enforce civil penalties issued or imposed under this Article.

Section 2. This ordinance shall become effective immediately upon its adoption and publication one (1) time in The Anniston Star, a newspaper of general circulation published in the City of Anniston, Alabama. The City Clerk is hereby authorized and directed to cause a copy of this ordinance to be published one time in said newspaper.

PASSED and ADOPTED on this 6th day of March 2018.

CITY COUNCIL OF THE CITY OF

ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay W. Jenkins, Council Member

By:/s/ David E. Reddick, Council Member

By:/s/ Ben Little, Council Member

By:/s/ Millie Harris, Council Member

Council Member Harris made a motion for the passage and adoption of Ordinance Number 18-0-2 as introduced and read by title only Council Member Jenkins' second to said motion the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Ordinance Number 18-O-2 was passed and adopted.

Cory Salley, Interim City Manager, introduced and read Ordinance Number 18-O-3:

ORDINANCE NO. 18-O-3

ORDINANCE AUTHORIZING BIKE SHARING SERVICES AGREEMENT WITH NEUTRON HOLDINGS, INC.

WHEREAS, Neutron Holdings, Inc., doing business as LimeBike (referred to herein as "LimeBike"), is a qualified provider of bicycle sharing services and related mobility products and services, and LimeBike desires to operate a bicycle-sharing program within the City of Anniston (the "City");

WHEREAS, LimeBike's bicycle-sharing program will provide safe and affordable multi-modal transportation options, which will further the City's transportation, economic development, and recreation goals;

WHEREAS, LimeBike's bicycle-sharing program requires use of the public places, property, streets, ways, and sidewalks within the City;

WHEREAS, the Council finds that granting LimeBike the right to use the public places, property, streets, ways, and sidewalks within the City for the operation of its bicycle-sharing program, in accordance with the terms and conditions of the Bicycle-Sharing Service Agreement authorized herein, will confer a benefit to the public and is in the best interests of the City and its residents;

NOW THEREFORE, BE IT ORDAINED by the Council for the City of Anniston,

Alabama as follows:

Section 1. The Council approves, ratifies and adopts the Bicycle-Sharing Service Agreement between LimeBike and the City of Anniston, attached hereto as Exhibit A, and does further grant to LimeBike the right to use the public places, property, streets, ways, and sidewalks within the City for the operation of its bicycle-sharing program in accordance with the terms and conditions set forth in said agreement.

Section 2. The Council authorizes the Mayor to sign and execute the Bicycle- Sharing Service Agreement in the name of, and on behalf of, the City of Anniston, and does further direct the City Clerk to attest to the execution of said agreement.

Section 3. The Council directs the City Clerk to cause a copy of this ordinance to be published one (1) time in The Anniston Star, a newspaper of general circulation published within the City of Anniston. As required by law, publication of this ordinance shall be made at the expense of LimeBike. Ala. Code §§ 11-45-8 and 45-8A-23.067.

Section 4. This ordinance shall take effect, and the Bicycle-Sharing Service Agreement shall commence, immediately upon the passage of 30 days following the Council's adoption and final enactment of this ordinance and its publication as provided by law.

PASSED and ADOPTED on this 6th day of **March 2018**.

CITY COUNCIL OF THE CITY OF
ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/Jay W. Jenkins, Council Member

By:/s/David E. Reddick, Council Member

By:/s/Ben Little, Council Member

By:/s/Millie Harris, Council Member

Mayor Draper made a motion for the unanimous consent of the Council for the immediate consideration of Ordinance Number 18-O-3 as introduced and read. The motion was seconded by Council Member Reddick; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried. Unanimous consent of the Council having been given for the immediate consideration of Ordinance Number 18-O-3 as introduced and read, Council Member Reddick made a motion for the passage and adoption of Ordinance Number 18-O-3 as introduced and read. The motion was seconded by Council Member Jenkins; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Ordinance Number 18-O-3 was passed and adopted.

Council Member Reddick made a motion to approve a Retail Beer (Off Premises Only), Retail Table Wine (Off Premises Only) application for Roco Food Mart, Inc., d/b/a Roco Food Mart located within the city limits at 280 E. Glade Road, Unit D. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Harris and Draper; abstain: Council Member Little, nays: none. The motion carried.

Council Member Little made a motion to Authorize the City Manager to negotiate and execute a contract with Clay Gresham, Sr., for video production services. The motion was seconded by Mayor Draper; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little and Draper; abstain: Council Member Harris, nays: none. The motion carried.

Mayor Draper announced that it was the time for the public hearing for, Group 2018-01 Grass & Debris Exhibit A, to hear objections to the proposed abatement of identified nuisances at the following locations: 1017 Cynthia Crescent, 1739 Homarda, 0 Ferron, and 1830 Rocky Hollow. Mayor Draper declared the hearing open and asked if anyone wished to address the Council concerning objections to the proposed abatement of identified nuisances at said locations.

No one else addressed the Council concerning objections to the proposed abatement of identified nuisances at said locations. Mayor Draper declared the public hearing to hear objections to the proposed abatement of identified nuisances at the following locations: 1017 Cynthia Crescent, 1739 Homarda, 0 Ferron, 1830 Rocky Hollow closed.

Mayor Draper announced that was the time for the public hearing for, Group 2018-01 Vehicles & Debris Exhibit A, to hear objections to the proposed abatement of identified nuisances at the following locations: 430 Constantine Ave, 125 Dobbins Street, and 1119 Cobb Ave.

Tana Bryant spoke on behalf of Dana Ruiz and the 430 Constantine Ave location, which will be removed from the resolution. Mayor Draper declared the public hearing to hear objections to the proposed abatement of identified nuisances at the following locations: 125 Dobbins Street and 1119 Cobb Ave closed.

Cory Salley, Interim City Manager, introduced and read Resolution 18-R-16, Group 2018-01 Grass & Debris:

RESOLUTION NUMBER 18-R-16

A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

PASSED AND ADOPTED on this the **6th** day of **March 2018**.

CITY COUNCIL OF THE CITY OF

ANNISTON, ALABAMA

By: /s/ Jack Draper, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ David E. Reddick, Council Member

By: /s/ Benjamin L. Little, Council Member

By: /s/ Millie Harris, Council Member

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 18-R-16, Group 2018-01 as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 18-R-16 was passed and adopted.

Cory Salley, Interim City Manager, introduced and read Resolution 18-R-17, Group 2018-01 Vehicles & Debris:

RESOLUTION NUMBER 18-R-17

A RESOLUTION OVER-RULING OBJECTIONS TO THE ABATEMENT OF IDENTIFIED NUISANCES

WHEREAS, Act 1995-375, Section 2, Amended by Act 2004-256 and codified as Sections 45-8-172, et seq. of the Code of Alabama, 1975, defines public nuisances and authorizes the City to order or otherwise accomplish the removal of such nuisances; and

WHEREAS, the City of Anniston has identified herein a specific list of such nuisances and the appropriate remedies to abate each nuisance; and

WHEREAS, the City of Anniston has notified the property owners or other parties that may be held responsible and has held a public hearing to consider objections to the proposed remedy as required by law.

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Anniston, Alabama that all objections and protests to the nuisance remedies identified in Exhibit "A" attached is hereby over-ruled and the recommended remedies are ordered to be applied to abate the nuisances according to the procedures and processes in Section 34.3 of the Code of Ordinances of the City of Anniston, Alabama.

PASSED AND ADOPTED on this the 6th day of March 2018.

CITY COUNCIL OF THE CITY OF

ANNISTON, ALABAMA

By: /s/ Jack Draper, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ David E. Reddick, Council Member

By: /s/ Benjamin L. Little, Council Member

By: /s/ Millie Harris, Council Member

Mayor Draper made a motion for the passage and adoption of Resolution Number 18-R-17, Group 2018-01, as introduced and read. The motion was seconded by Council Member Harris; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and Resolution Number 18-R-17 was passed and adopted.

Council Member Jenkins had no comment.

Council Member Reddick stated that we are all a part of this city and we should do our part to come together to make this world a better place.

Council Member Little wanted to thank Mayor Draper, Cory Salley, Council Member Reddick, and Clay Gresham Sr., for the ride along they took to look at houses that were falling in.

Council Member Harris wanted to thank Cory Salley for his outstanding job acting as City Manager; wanted to invite everyone to Anniston High School Wednesday at 4:00 pm, to see a Public/Private Partnership in action. The Knots Concert Series Board's volunteers have fixed much of the auditorium and dressing rooms.

Mayor Draper wanted to echo Council Member Harris sentiments and thank Cory Salley on his job as Interim City Manager.

There being no further business to come before the meeting at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Harris; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper; nays: none. The motion carried and the meeting was adjourned at approximately 6:11 o'clock p.m.